

**Assembly Constitutional Amendment**

**No. 30**

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**Introduced by Assembly Member Jeffries**

January 20, 2010

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Assembly Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 17 of Article II thereof, by amending Section 8 of Article III thereof, by amending Sections 5, 9, 10, and 11 of Article V thereof, by amending Section 4 of Article VII thereof, and by amending Section 9 of Article IX thereof, relating to the Lieutenant Governor.

LEGISLATIVE COUNSEL'S DIGEST

ACA 30, as introduced, Jeffries. Lieutenant Governor.

The California Constitution creates the office of Lieutenant Governor and establishes qualifications for the office and the method of its election. The California Constitution requires the Lieutenant Governor to become Governor when a vacancy occurs in the office of Governor, and to act as Governor during the impeachment, absence from the state, or other temporary disability of the Governor or of a Governor-elect who fails to take office. It further requires the Legislature to provide for an order of precedence after the Lieutenant Governor for succession to the office of Governor. The California Constitution provides that the Lieutenant Governor is the President of the Senate, but votes as part of that body only for the purpose of breaking a tie. The California Constitution authorizes the people to recall a public official and provides for a recall process, which may include requiring the Governor to call an election, and requires, when a recall of the Governor is initiated, that the Lieutenant Governor perform the recall duties of the Governor. The

California Constitution exempts the Lieutenant Governor, and employees directly appointed or employed by him or her, from the civil service, and requires that his or her compensation be set by the California Citizens Compensation Commission. The California Constitution establishes the University of California as a public trust to be administered by the Regents of the University of California, the membership of which includes the Lieutenant Governor. Existing statutes also establish various boards and commissions of which the Lieutenant Governor is a member.

This measure would eliminate the position of Lieutenant Governor and transfer the specified duties of the Lieutenant Governor to the Secretary of State. Specifically, the measure would provide that the Secretary of State is the President of the Senate, but votes as part of that body only for the purpose of breaking a tie, and would require the Secretary of State to become Governor when a vacancy occurs in the office of Governor, and to act as Governor during the impeachment, absence from the state, or other temporary disability of the Governor or of a Governor-elect who fails to take office. The measure would also require the Secretary of State to perform the recall duties assigned to the Governor, if a recall of the Governor is initiated. The measure would additionally make the Secretary of State an ex officio member of the Regents of the University of California.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

1     *Resolved by the Assembly, the Senate concurring,* That the  
2     Legislature of the State of California at its 2009–10 Regular  
3     Session commencing on the first day of December 2008, two-thirds  
4     of the membership of each house concurring, hereby proposes to  
5     the people of the State of California, that the Constitution of the  
6     State be amended as follows:

7     First—That Section 17 of Article II thereof is amended to read:  
8     SEC. 17. If recall of the Governor or Secretary of State is  
9     initiated, the recall duties of that office shall be performed by the  
10    ~~Lieutenant Governor~~ *Secretary of State* or Controller, respectively.

11    Second—That Section 8 of Article III thereof is amended to  
12    read:

13    SEC. 8. (a) The California Citizens Compensation Commission  
14    is hereby created and shall consist of seven members appointed  
15    by the Governor. The commission shall establish the annual salary

1 and the medical, dental, insurance, and other similar benefits of  
2 state officers.

3 (b) The commission shall consist of the following persons:

4 (1) Three public members, one of whom has expertise in the  
5 area of compensation, such as an economist, market researcher,  
6 or personnel manager; one of whom is a member of a nonprofit  
7 public interest organization; and one of whom is representative of  
8 the general population and may include, among others, a retiree,  
9 homemaker, or person of median income. No person appointed  
10 pursuant to this paragraph may, during the 12 months prior to his  
11 or her appointment, have held public office, either elective or  
12 appointive, have been a candidate for elective public office, or  
13 have been a lobbyist, as defined by the Political Reform Act of  
14 1974, or a successor statute.

15 (2) Two members who have experience in the business  
16 community, one of whom is an executive of a corporation  
17 incorporated in this State—~~which~~ *that* ranks among the largest  
18 private sector employers in the State based on the number of  
19 employees employed by the corporation in this State, and one of  
20 whom is an owner of a small business in this State.

21 (3) Two members, each of whom is an officer or member of a  
22 labor organization.

23 (c) The Governor shall strive insofar as practicable to provide  
24 a balanced representation of the geographic, gender, racial, and  
25 ethnic diversity of the State in appointing commission members.

26 (d) The Governor shall appoint commission members and  
27 designate a chairperson for the commission not later than 30 days  
28 after the effective date of this section. The terms of two of the  
29 initial appointees shall expire on December 31, 1992, two on  
30 December 31, 1994, and three on December 31, 1996, as  
31 determined by the Governor. Thereafter, the term of each member  
32 shall be six years. Within 15 days of any vacancy, the Governor  
33 shall appoint a person to serve the unexpired portion of the term.

34 (e) No current or former officer or employee of this State is  
35 eligible for appointment to the commission.

36 (f) Public notice shall be given of all meetings of the  
37 commission, and the meetings shall be open to the public.

38 (g) On or before December 3, 1990, the commission shall, by  
39 a single resolution adopted by a majority of the membership of  
40 the commission, establish the annual salary and the medical, dental,

1 insurance, and other similar benefits of state officers. The annual  
2 salary and benefits specified in that resolution shall be effective  
3 on and after December 3, 1990.

4 Thereafter, at or before the end of each fiscal year, the  
5 commission shall, by a resolution adopted by a majority of the  
6 membership of the commission, adjust the medical, dental,  
7 insurance, and other similar benefits of state officers. The benefits  
8 specified in the resolution shall be effective on and after the first  
9 Monday of the next December.

10 Thereafter, at or before the end of each fiscal year, the  
11 commission shall adjust the annual salary of state officers by a  
12 resolution adopted by a majority of the membership of the  
13 commission. The annual salary specified in the resolution shall be  
14 effective on and after the first Monday of the next December,  
15 except that a resolution shall not be adopted or take effect in any  
16 year that increases the annual salary of any state officer if, on or  
17 before the immediately preceding June 1, the Director of Finance  
18 certifies to the commission, based on estimates for the current  
19 fiscal year, that there will be a negative balance on June 30 of the  
20 current fiscal year in the Special Fund for Economic Uncertainties  
21 in an amount equal to, or greater than, 1 percent of estimated  
22 General Fund revenues.

23 (h) In establishing or adjusting the annual salary and the medical,  
24 dental, insurance, and other similar benefits, the commission shall  
25 consider all of the following:

26 (1) The amount of time directly or indirectly related to the  
27 performance of the duties, functions, and services of a state officer.

28 (2) The amount of the annual salary and the medical, dental,  
29 insurance, and other similar benefits for other elected and appointed  
30 officers and officials in this State with comparable responsibilities,  
31 the judiciary, and, to the extent practicable, the private sector,  
32 recognizing, however, that state officers do not receive, and do  
33 not expect to receive, compensation at the same levels as  
34 individuals in the private sector with comparable experience and  
35 responsibilities.

36 (3) The responsibility and scope of authority of the entity in  
37 which the state officer serves.

38 (4) Whether the Director of Finance estimates that there will be  
39 a negative balance in the Special Fund for Economic Uncertainties

1 in an amount equal to or greater than 1 percent of estimated General  
2 Fund revenues in the current fiscal year.

3 (i) Until a resolution establishing or adjusting the annual salary  
4 and the medical, dental, insurance, and other similar benefits for  
5 state officers takes effect, each state officer shall continue to receive  
6 the same annual salary and the medical, dental, insurance, and  
7 other similar benefits received previously.

8 (j) All commission members shall receive their actual and  
9 necessary expenses, including travel expenses, incurred in the  
10 performance of their duties. Each member shall be compensated  
11 at the same rate as members, other than the chairperson, of the  
12 Fair Political Practices Commission, or its successor, for each day  
13 engaged in official duties, not to exceed 45 days per year.

14 (k) It is the intent of the Legislature that the creation of the  
15 commission should not generate new state costs for staff and  
16 services. The Department of Personnel Administration, the Board  
17 of Administration of the Public Employees' Retirement System,  
18 or other appropriate agencies, or their successors, shall furnish,  
19 from existing resources, staff and services to the commission as  
20 needed for the performance of its duties.

21 (l) "State officer," as used in this section, means the Governor,  
22 ~~Lieutenant Governor~~, Attorney General, Controller, Insurance  
23 Commissioner, Secretary of State, Superintendent of Public  
24 Instruction, Treasurer, member of the State Board of Equalization,  
25 and Member of the Legislature.

26 Third—That Section 5 of Article V thereof is amended to read:

27 SEC. 5. (a) Unless the law otherwise provides, the Governor  
28 may fill a vacancy in office by appointment until a successor  
29 qualifies.

30 (b) Whenever there is a vacancy in the office of the  
31 Superintendent of Public Instruction, ~~the Lieutenant Governor~~,  
32 Secretary of State, Controller, Treasurer, or Attorney General, or  
33 on the State Board of Equalization, the Governor shall nominate  
34 a person to fill the vacancy who shall take office upon confirmation  
35 by a majority of the membership of the Senate and a majority of  
36 the membership of the Assembly and who shall hold office for the  
37 balance of the unexpired term. In the event the nominee is neither  
38 confirmed nor refused confirmation by both the Senate and the  
39 Assembly within 90 days of the submission of the nomination, the  
40 nominee shall take office as if he or she had been confirmed by a

majority of the Senate and Assembly; provided, that if ~~such~~ *the* 90-day period ends during a recess of the Legislature, the period shall be extended until the sixth day following the day on which the Legislature reconvenes.

Fourth—That Section 9 of Article V thereof is amended to read:

SEC. 9. ~~The Lieutenant Governor shall have the same qualifications as the Governor.~~ The ~~Lieutenant Governor~~ *Secretary of State* is President of the Senate but has only a casting vote.

Fifth—That Section 10 of Article V thereof is amended to read:

SEC. 10. ~~The Lieutenant Governor~~ *Secretary of State* shall become Governor when a vacancy occurs in the office of Governor.

~~The Lieutenant Governor~~ *Secretary of State* shall act as Governor during the impeachment, absence from the State, or other temporary disability of the Governor or of a Governor-elect who fails to take office.

The Legislature shall provide an order of precedence after the ~~Lieutenant Governor~~ *Secretary of State* for succession to the office of Governor and for the temporary exercise of the Governor's functions.

The Supreme Court has exclusive jurisdiction to determine all questions arising under this section.

Standing to raise questions of vacancy or temporary disability is vested exclusively in a body provided by statute.

Sixth—That Section 11 of Article V thereof is amended to read:

SEC. 11. ~~The Lieutenant Governor,~~ Attorney General, Controller, Secretary of State, and Treasurer shall be elected at the same time and places and for the same term as the Governor. No ~~Lieutenant Governor,~~ Attorney General, Controller, Secretary of State, or Treasurer may serve in the same office for more than 2 terms.

Seventh—That Section 4 of Article VII thereof is amended to read:

SEC. 4. The following are exempt from civil service:

(a) Officers and employees appointed or employed by the Legislature, either house, or legislative committees.

(b) Officers and employees appointed or employed by councils, commissions or public corporations in the judicial branch or by a court of record or officer thereof.

(c) Officers elected by the people and a deputy and an employee selected by each elected officer.

1 (d) Members of boards and commissions.

2 (e) A deputy or employee selected by each board or commission  
3 either appointed by the Governor or authorized by statute.

4 (f) State officers directly appointed by the Governor with or  
5 without the consent or confirmation of the Senate and the  
6 employees of the Governor's office, ~~and the employees of the~~  
7 ~~Lieutenant Governor's office directly appointed or employed by~~  
8 ~~the Lieutenant Governor.~~

9 (g) A deputy or employee selected by each officer, except  
10 members of boards and commissions, exempted under Section  
11 4(f).

12 (h) Officers and employees of the University of California and  
13 the California State Colleges.

14 (i) The teaching staff of schools under the jurisdiction of the  
15 Department of Education or the Superintendent of Public  
16 Instruction.

17 (j) Member, inmate, and patient help in state homes, charitable  
18 or correctional institutions, and state facilities for mentally ill or  
19 retarded persons.

20 (k) Members of the militia while engaged in military service.

21 (l) Officers and employees of district agricultural associations  
22 employed less than 6 months in a calendar year.

23 (m) In addition to positions exempted by other provisions of  
24 this section, the Attorney General may appoint or employ six  
25 deputies or employees, the Public Utilities Commission may  
26 appoint or employ one deputy or employee, and the Legislative  
27 Counsel may appoint or employ two deputies or employees.

28 Eighth—That Section 9 of Article IX thereof is amended to  
29 read:

30 SEC. 9. (a) The University of California shall constitute a  
31 public trust, to be administered by the existing corporation known  
32 as "The Regents of the University of California," with full powers  
33 of organization and government, subject only to such legislative  
34 control as may be necessary to insure the security of its funds and  
35 compliance with the terms of the endowments of the university  
36 and such competitive bidding procedures as may be made  
37 applicable to the university by statute for the letting of construction  
38 contracts, sales of real property, and purchasing of materials, goods,  
39 and services. ~~Said~~ The corporation shall be, in form, a board  
40 composed of seven ex officio members, ~~which~~ who shall be: the

1 Governor, ~~the Lieutenant Governor,~~ *the Secretary of State*, the  
2 Speaker of the Assembly, the Superintendent of Public Instruction,  
3 the president and the vice president of the alumni association of  
4 the university ~~and~~, the acting president of the university, and 18  
5 appointive members appointed by the Governor and approved by  
6 the Senate, a majority of the membership concurring; provided,  
7 however, that the present appointive members shall hold office  
8 until the expiration of their present terms.

9 (b) The terms of the members appointed prior to November 5,  
10 1974, shall be 16 years; the terms of two appointive members to  
11 expire as heretofore on March 1st of every even-numbered calendar  
12 year, and two members shall be appointed for terms commencing  
13 on March 1, 1976, and on March 1 of each year thereafter; provided  
14 ~~that no such~~ *none of the* appointments shall be made for terms to  
15 commence on March 1, 1979, or on March 1 of each fourth year  
16 thereafter, to the end that no appointment to the ~~regents~~ *Regents*  
17 for a newly commencing term shall be made during the first year  
18 of any gubernatorial term of office. The terms of the members  
19 appointed for terms commencing on and after March 1, 1976, shall  
20 be 12 years. During the period of transition until the time when  
21 the appointive membership is comprised exclusively of persons  
22 serving for terms of 12 years, the total number of appointive  
23 members may exceed the numbers specified in the ~~preceeding~~  
24 *preceding* paragraph.

25 In case of any vacancy, the term of office of the appointee to fill  
26 ~~such the~~ vacancy, who shall be appointed by the Governor and  
27 approved by the Senate, a majority of the membership concurring,  
28 shall be for the balance of the term for which ~~such the~~ vacancy  
29 exists.

30 (c) The members of the board may, in their discretion, following  
31 procedures established by them and after consultation with  
32 representatives of faculty and students of the university, including  
33 appropriate officers of the academic senate and student  
34 governments, appoint to the board either or both of the following  
35 persons as members with all rights of participation: a member of  
36 the faculty at a campus of the university or of another institution  
37 of higher education; a person enrolled as a student at a campus of  
38 the university for each regular academic term during his *or her*  
39 service as a member of the board. Any person so appointed shall  
40 serve for not less than one year commencing on July 1.



1 (d) Regents shall be able persons broadly reflective of the  
2 economic, cultural, and social diversity of the State, including  
3 ethnic minorities and women. However, it is not intended that  
4 formulas or specific ratios be applied in the selection of ~~regents~~  
5 *Regents*.

6 (e) In the selection of the Regents, the Governor shall consult  
7 an advisory committee composed as follows: The Speaker of the  
8 Assembly and two public members appointed by the Speaker, the  
9 President ~~Pro pro~~ Tempore of the Senate and two public members  
10 appointed by the Rules Committee of the Senate, two public  
11 members appointed by the Governor, the ~~chairman~~ *chairperson*  
12 of the ~~regents~~ *Regents* of the university, an alumnus of the  
13 university chosen by the alumni association of the university, a  
14 student of the university chosen by the Council of Student Body  
15 Presidents, and a member of the faculty of the university chosen  
16 by the academic senate of the university. Public members shall  
17 serve for four years, except that one each of the initially appointed  
18 members selected by the Speaker of the Assembly, the President  
19 ~~Pro pro~~ Tempore of the Senate, and the Governor shall be  
20 appointed to serve for two years; student, alumni, and faculty  
21 members shall serve for one year and may not be ~~regents~~ *Regents*  
22 of the university at the time of their service on the advisory  
23 committee.

24 (f) The Regents of the University of California shall be vested  
25 with the legal title and the management and disposition of the  
26 property of the university and of property held for its benefit and  
27 shall have the power to take and hold, either by purchase or by  
28 donation, or gift, testamentary or otherwise, or in any other manner,  
29 without restriction, all real and personal property for the benefit  
30 of the university or incidentally to its conduct; provided, however,  
31 that sales of university real property shall be subject to such  
32 competitive bidding procedures as may be provided by statute.  
33 ~~Said~~ *The* corporation shall also have all the powers necessary or  
34 convenient for the effective administration of its trust, including  
35 the power to sue and to be sued, to use a seal, and to delegate to  
36 its committees or to the faculty of the university, or to others, ~~such~~  
37 *the* authority or functions as it may deem wise. The Regents shall  
38 receive all funds derived from the sale of lands pursuant to the act  
39 of Congress of July 2, 1862, and any subsequent acts amendatory  
40 thereof. The university shall be entirely independent of all political

1 or sectarian influence and kept free therefrom in the appointment  
2 of its ~~regents~~ *Regents* and in the administration of its affairs, and  
3 no person shall be debarred admission to any department of the  
4 university on account of race, religion, ethnic heritage, or sex.  
5 (g) Meetings of the Regents of the University of California shall  
6 be public, with exceptions and notice requirements as may be  
7 provided by statute.

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